

**REMARKS**

Claim 1 has been amended to recite the function of the stepping area, namely, that it supports the rolling motion of the foot of the user during walking or running. The Examiner indicated in paragraph 5 of the last Office Action that the claims do not discuss the rolling motion of the foot during walking and running. This objection has been overcome by the claim amendment, rendering the Examiner's comment moot. No new matter has been introduced. No new issue has been raised. Claims 1, 4-15, 17, 19, and 20 remain for consideration.

In the last Office Action Claims 1-20 were rejected as being anticipated by Lambertz. Applicant believes that the Examiner intended to reject Claims 1, 4-15, 17, 19 and 20 as being anticipated by Lambertz '151, since Claims 23, 16, and 18 have been cancelled. Lambertz '151 discloses a climate-adjusting sock 1, which has an air channel 3 extending from the sole 2 of the foot up to the band 4 and which is formed of climate-adjusting net-type knit fabric (col. 2, lines 25-29). The interior of the sock 1 is equipped with a padded instep cushion 5 and in the area of the shin it is equipped with a padded shin cushion 6 (col. 2, lines 34-36). The area of the calf is also provided with padded cushions, for example, rod-type paddings 8 (col. 2, lines 47-49). The sock 1 is also provided with a support band 9 (col. 2, lines 53, 54). The sole 2 of the sock 1 has additional padded cushions 10, 11, particularly, in the area of the heel and in the area of the ball of the foot and/or in the area of the toes (col. 2, lines 58-62).

The claimed sock of the present invention is not anticipated, taught or suggested in Lambertz '151. Lambertz '151 does not show a stepping area which supports the rolling motion of the foot during walking or running. The stated function is now explicitly recited in Claim 1,

as amended. On the contrary, the Lambertz '151 patent teaches an arrangement of cushions 10, 11 in the area of the heel and in the area of the ball and in the areas of the toes. This sock supports the inward arch of the sole of the foot, which is directed opposite to the rolling motion of the foot during walking or running. In contrast, the stepping area of the present invention is directed outward to support the rolling motion of the foot of the wearer of the sock.

The cushions or paddings arranged at the sole of the sock of Lambertz '151 are completely different from the shape of the stepping area of the present invention. The single padding or cushion is not able to achieve the advantages of the present invention. The problems addressed by the present invention and by Lambertz '151 are not the same. Claims 1 differentiates the present invention from the prior art. The present invention provides an even distribution of the load over the entire surface of the sole of the foot. In contrast to this, the padding or cushion in the area of the sole of Lambertz '151 only provides a selective distribution of the load over the entire surface of the foot. Additionally, in the present invention, the natural curvature of the middle of the foot is compensated by providing a rounded stepping area and as a result, a continuous application surface is achieved. This result cannot be achieved by Lambertz '151. As a consequence, Lambertz '151 is not able to prevent cramping in the middle area of the foot. Lambertz '151 cannot prevent shuffling while walking.

Considering the drawing of the present application, it is clearly seen in Figs. 1 and 4 that the rounded stepping area is constructed and arranged in the shape of an arch, which is directed outward. Applicant's sock supports the typical rolling motion of the foot during walking, particularly, power walking. On the contrary, the stepping area of Lambertz '151 is wave-shaped

and directed inward in the area of the arch. The stepping areas are not the same, either structurally or functionally.

Applicant believes that the Examiner has misinterpreted Lambertz '151. In support of her argument that Lambertz teaches the rounded stepping area constructed and arranged in the shape of an arch that is directed outwardly, the Examiner refers to Figure 1, item 11 and column 2, lines 58-67 of Lambertz '151. Applicant submits that this view is incorrect, since the arch of Lambertz '151 is directed inwardly, and not outwardly, as claimed. The Examiner seeks to buttress her position by reference to paddings 10 and 11. Applicant submits that the paddings 10 and 11 would lead a person skilled in the art to a different conclusion. The paddings 10 and 11 support the difference in height between the area of the heel and the arch on the one hand and the area of the toes and the arch on the other hand. Therefore, it is submitted that the paddings 10 and 11 support the reasoning that the stepping areas of Lambertz '151 and the present invention are different. For the reasons stated, Claims 1, 4-15, 17, 19, and 20 are not anticipated by Lambertz '151. These claims patentably distinguish over Lambertz '151 and should be allowed.

Considering the dependent claims, Applicant notes with respect to Claim 4 that Lambertz '151 is not relevant, since there is no representation in Lambertz '151 of the stepping area of the sock. All figures of the Lambertz '151 drawing show a side view of the sock. Applicant submits that Lambertz '151 shows that a climate channel extends to the stepping area. There is nothing in Lambertz '151 to suggest that the climate channel is provided in the stepping area..

As for Claims 8 and 9, Applicant respectfully requests that the Examiner point out specifically in Lambertz '151 where there is a teaching that the climate channels present partial

narrowings or a substantially circular cross section. These features cannot be derived from the disclosure of Lambertz '151. There is no showing of either of these features in the drawing of Lambertz '151. Claims 8 and 9 should be allowed for these reasons, in addition to the reasoning set forth with respect to Claim 1.

With regard to Claim 10, please note that Lambertz '151 teaches only a single climate channel 3. The identifiers 12 and 13 in Figure 8 are a ring-type support band and an additional support bandaging, respectively. These elements 12 and 13 are not climate channels. The elements 12 and 13 have nothing in common with climate channels, neither with the climate channel 3 of Lambertz '151 or the climate channels 26 of the present invention. There is nothing in Lambertz '151 that teaches or suggests the subject matter of Claims 8 and 9. Both claims should be allowed over Lambertz '151. In summary, each of Claims 1, 4-15, 17, 19 and 20 are patentable and should be allowed.

Favorable reconsideration and allowance of the present application are solicited.

Respectfully submitted,

Date: April 28, 2008

By: Seymour Rothstein  
Seymour Rothstein, Reg. No. 19,369

OLSON & CEPURITIS, LTD.  
20 North Wacker Drive  
36th Floor  
Chicago, Illinois 60606  
(312) 580-1180

Attorney for Applicant